

REMARKS

Claims 1-32 were pending in this Application as of the Advisory Action of January 22, 2010. Claim 1 is amended with this Response. Claim 39 is added.

Applicant respectfully thanks the Examiner for conducting a teleconference with Applicant's Representation on (or around) March 25, 2010. The above amendments and new claim were discussed during this teleconference. The Examiner's instant rejections will now be addressed in turn.

Rejections under 35 U.S.C. §103(a)

Claims 1-5, 7, 9, 10, 17-24, and 26 have been rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No. 1,032,436 to Smith ("Smith" hereinafter) in view of United States Patent No. 6,438,802 to Beeman ("Beeman" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's amended claim 1 recites:

"said complementary locking means including a circumferentially grooved locking extension disposed on said retaining part or said base part, and a correspondingly grooved receiving cavity disposed on said retaining part or said base part, said locking extension and said receiving cavity being engageable via a frictional fit."

Neither Smith nor Beeman, taken alone or in combination, teach a complementary locking means that includes a circumferentially grooved locking extension disposed on a retaining part or base part, and a correspondingly grooved receiving cavity disposed on the retaining part or base part, wherein the locking extension and receiving cavity are engageable via a frictional fit. On the contrary, Smith merely teaches a rivet 12, which fails to include complementary grooves (particularly a circumferential groove in a receiving cavity) or engageability via a frictional fit, and Beeman fails to teach any relevant complimentary locking means of any kind (and is not used as such by the Examiner).

For at least the above reasons Applicant respectfully submits that the proposed combination of Smith and Beeman does not teach every element of Applicant's claims 1-5, 7, 9, 10, 17-24, and 26. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 1-5, 7, 9, 10, 17-24, and 26, with respect to the proposed combination of Smith and Beeman. Since the proposed combination of Smith and Beeman fails to teach or suggest all of the limitations of claims 1-5, 7, 9, 10, 17-24, and 26, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to combine the reference, or a reasonable likelihood of success in forming the claimed invention by combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claims 1, 31, and 32 have been rejected under 35 U.S.C. §103(a) as being obvious over United States Patent No. 4,820,274 to Choksi ("Choksi" hereinafter) in view of United States Patent No. 6,438,802 to Beeman ("Beeman" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's amended claim 1 recites:

“said complementary locking means including a circumferentially grooved locking extension disposed on said retaining part or said base part, and a correspondingly grooved receiving cavity disposed on said retaining part or said base part, said locking extension and said receiving cavity being engageable via a frictional fit.”

Neither Choksi nor Beeman, taken alone or in combination, teach a complementary locking means that includes a circumferentially grooved locking extension disposed on a retaining part or base part, and a correspondingly grooved receiving cavity disposed on the retaining part or base part, wherein the locking extension and receiving cavity are engageable via a frictional fit. On the contrary, Choksi merely teaches a pin 33, which fails to include complementary grooves (particularly a circumferential groove in a receiving cavity) or engageability via a frictional fit, and Beeman fails to teach any relevant complimentary locking means of any kind (and is not used as such by the Examiner).

Accordingly, for at least the above reasons Applicant respectfully submits that the proposed combination of Choksi and Beeman does not teach every element of Applicant's claims 1, 31, and 32. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 1, 31, and 32, with respect to the proposed combination of Choksi and Beeman. Since the proposed combination of Choksi and Beeman fails to teach or suggest all of the limitations of claims 1, 31, and 32, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to combine the reference, or a reasonable likelihood of success in forming the claimed invention by combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claims 11-14 have been rejected under 35 U.S.C. §103(a) as being obvious over Smith in view of Beeman and United States Patent No. 6,428,514 to Goebel (“Goebel” hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 11-14 depend from claim 1. Accordingly, for at least the above reasons, Applicant respectfully submits that the proposed combination of Smith and Beeman does not teach every element of Applicant's claims 11-14. As Goebel does not remedy the deficiencies of Smith and Beeman, Applicant further and respectfully submits that *prima facie* obviousness does not exist regarding claims 11-14, with respect to the proposed combination of Smith, Beeman, and Goebel. Since the proposed combination of Smith, Beeman, and Goebel fails to teach or suggest all of the limitations of claims 11-14, and since Smith and Beeman are not related to the medical field or operable in conjunction with flexible teeth, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to combine the reference, or a reasonable likelihood of success in forming the claimed invention by combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claims 15 and 16 have been rejected under 35 U.S.C. §103(a) as being obvious over Smith in view of Beeman, Smith, and United States Patent No. 5,318,192 to Rebeyrolle ("Rebeyrolle" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 15 and 16 depend from claim 1. Accordingly, for at least the above reasons, Applicant respectfully submits that the proposed combination of Smith and Beeman does not teach every element of Applicant's claims 15 and 16. As neither Goebel nor Rebeyrolle remedy the deficiencies of Smith and Beeman, Applicant further and respectfully submits that *prima facie* obviousness does not exist regarding claims 15 and 16, with respect to the proposed combination of Smith, Beeman, Goebel, and Rebeyrolle. Since the proposed combination of Smith, Beeman, Goebel, and Rebeyrolle fails to teach or suggest all of the limitations of claims 15 and 16, and since Smith and Beeman are not related to the medical field or operable in conjunction with flexible teeth, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to combine the reference, or a reasonable likelihood of success in forming the claimed invention by combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claim 15 has been rejected under 35 U.S.C. §103(a) as being obvious over Smith in view of Beeman and United States Patent No. 4,711,636 to Bierman ("Bierman" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claim 15 depends from claim 1. Accordingly, for at least the above reasons, Applicant respectfully submits that the proposed combination of Smith and Beeman does not teach every element of Applicant's claim 15. As Bierman does not remedy the deficiencies of Smith and Beeman, Applicant further and respectfully submits that *prima facie* obviousness does not exist regarding claim 15, with respect to the proposed combination of Smith, Beeman, and Bierman. Since the proposed combination of Smith, Beeman, and Bierman fails to teach or suggest all of the limitations of claim 15, and since Smith and Beeman are not related to the medical field or

operable in conjunction with flexible teeth, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to combine the reference, or a reasonable likelihood of success in forming the claimed invention by combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Claims 27-30 have been rejected under 35 U.S.C. §103(a) as being obvious over Smith in view of Beeman and United States Patent No. 4,944,924 to Mawhirt ("Mawhirt" hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 27-30 depend from claim 1. Accordingly, for at least the above reasons, Applicant respectfully submits that the proposed combination of Smith and Beeman does not teach every element of Applicant's claims 27-30. As Mawhirt does not remedy the deficiencies of Smith and Beeman, Applicant further and respectfully submits that *prima facie* obviousness does not exist regarding claims 27-30, with respect to the proposed combination of Smith, Beeman, and Mawhirt. Since the proposed combination of Smith, Beeman, and Mawhirt fails to teach or suggest all of the limitations of claims 27-30, and since Smith and Beeman are not related to the medical field or operable in conjunction with flexible teeth, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to combine the reference, or a reasonable likelihood of success in forming the claimed invention by combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Conclusion

Applicant believes that all of the outstanding objections and rejections have been addressed herein and are now overcome. Entry and consideration hereof and issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any extension of time under 37 C.F.R. 1.136(a) or 1.136(b) that may be necessary for entry and consideration of the present Reply.

If there are any charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Office is invited to contact applicant's attorneys at the below-listed telephone number concerning this Amendment or otherwise regarding the present application.

Respectfully submitted,
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